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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,403	07/18/2003	Richard C. Slater	1002-009.004	4136

57604 7590 04/20/2007

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EXAMINER
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VAN ROY, TOD THOMAS


ART UNIT	PAPER NUMBER
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2828

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/622,403	Applicant(s) SLATER, RICHARD C.	
	Examiner Tod T. Van Roy 	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-12,14-25,27-29,31,32 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-12,14-25,27-29,31-32,34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner acknowledges the amending of claims 1, 14-15, and 24, cancellation of claims 4-5, 13, 26, 30, and 33, as well as the addition of claims 36-37.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 01/22/2007, with respect to the rejection(s) of claim(s) 5 under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

The examiner agrees with the applicant that the combination of the Reilly reference with that of Tanuma or Velsko is not found to clearly motivate the incorporation of parametric gain material into the system of Reilly, as the overall operation of the system would be changed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 6-7, 15, 17-22, 24-28, 31-32, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanuma (US 5561550) in view of Chandra et al. (US 6052218).

With respect to claim 1, Tanuma teaches an unstable optical resonator (abs.) comprising a parametric gain medium (fig.1 #20) that produces a first electromagnetic field via pumping of laser light (abs.). Tanuma does not teach the use of multiple parametric gain media arranged on either side of a longitudinal axis. Chandra teaches a parametric amplifying system wherein multiple parametric gain media are evenly spaced around a longitudinal axis, produce respective overlapping electromagnetic fields, and whose output is in-phase via use of a phase conjugate mirror (fig.1). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the unstable parametric resonator of Tanuma with the multiple parametric gain media and alignment of Chandra to take advantage of large energy scalability (enabling use of high power pumping, abs.), as well as to incorporate the use of a phase conjugate mirror to reduce phase front degradation and beam divergence (col.1 lines 55-60).

With respect to claim 2, Tanuma further discloses an output beam existing said unstable resonator (fig.1 L2).

With respect to claim 3, Tanuma and Chandra further teach the output beam has an intensity proportional to an amplitude product squared, said amplitude product being

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an amplitude of said first electromagnetic field multiplied by an amplitude of said second electromagnetic field (beam is amplified at each gain element, product then output at end of the resonator).

With respect to claims 6-7, Tanuma and Chandra teach the system as outlined in the rejection to claim 6 above, including the importance of gain spacing (Chandra, for overlap) but does not specify the separation distance be about 1mm. It would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the range through experiment as this has been shown to be within the skill of a general worker in the art (see MPEP 2144.05 II A - In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) – speaking of the fact that it is not inventive to discover the optimum or workable ranges by routine experimentation, i.e. changing the spacing between the gain media).

With respect to claims 15 and 17, Tanuma further teaches the use of Lithium Niobate (col.1 lines 22-28).

With respect to claims 18-19, Tanuma and Chandra further teach the use of at least 4 gain media in a 2x2 array (Chandra, fig.1, abs., taught to be scalable).

With respect to claim 20, Tanuma and Chandra further teach the unstable resonator to be negative or positive branch (inherently one or the other).

With respect to claims 21-22, Tanuma further teaches the resonator is confocal-convex (fig.1).

With respect to claim 24, Tanuma and Chandra teach a method of coherent beam combination as is taught by the system outlined in the rejection to claim 1 above.

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With respect to claim 25, Tanuma and Chandra further teach the output beam has an intensity proportional to an amplitude product squared, said amplitude product being an amplitude of said first electromagnetic field multiplied by an amplitude of said second electromagnetic field (beam is amplified at each gain element, product then output at end of the resonator).

With respect to claims 27-28, Tanuma and Chandra further teach producing a third electromagnetic field (Chandra, fig.1, at least 8 fields produced in this embodiment), and expanding said third electromagnetic field in said unstable resonator to coherently combine the third field with the first and second fields (due to overlap).

With respect to claim 29, Reilly further discloses removing heat from the gain media (fig.17).

With respect to claims 31-32 and 34-35, Tanuma and Chandra further teach the at least two gain media are located near the midpoint of the distance between first and second mirrors of the unstable resonator, and near the midpoint of the length of the resonator (fig.1 #20, fig.4 #20, near midpoints).

With respect to claims 36-37, Tanuma and Chandra further teach the unstable resonator has a circular cross section (Tanuma, fig.2, as taught by applicant's figs.2/4), and the unstable resonator includes a convex mirror (fig.2 #42) and a concave mirror (fig.2 #41), with the gain medium disposed between the two (fig.2 #20).

Claims 8-12 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanuma in view of Chandra and further in view of Mooradian (US 5115445).

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With respect to claims 8-12 and 29, Tanuma and Chandra teach the system as outlined in the rejection to claim 1 above, but do not teach a heat conducting element to be found in contact with the gain media in a transverse plane contacting a portion of the gain media parallel to the longitudinal axis and made of optical quality diamond.

Mooradian teaches an unstable resonator (col.6 lines 50-53) wherein an optical quality diamond is used to remove heat from the gain media (col.5 lines 15-29, obvious the diamond is of optical quality as it is directly in the beam path, fig.1 #16). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Tanuma and Chandra with the optical quality diamond material of Mooradian as diamond is known to have a good heat conductivity (col.5 lines 20-25) and additionally to use the alignment of the heat conductors of Mooradian as the material would not negatively impede the electromagnetic fields (lying in a transverse plane, and touching a portion of the plane parallel to the longitudinal axis-at the corner).

Claims 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanuma and Chandra in view of Velsko et al. (US 6421166).

With respect to claims 14, and 16, Tanuma and Chandra teach the system as described in the rejection to claim 1 above, but do not teach the use of parametric gain media. Velsko teaches an unstable resonator (claim 8) wherein PPLN (col.2 lines 50-53) is used. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Tanuma and Chandra with the parametric gain media of Velsko to achieve highly efficient frequency conversion (col.1 lines 55-62) for

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use in industrial applications where specific wavelengths are needed and can be combined with the unstable resonator's high output power, as well as the ability of the media to provide gain in the resonator.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanuma and Chandra in view of Sziklas (US 4170405).

With respect to claim 23, Tanuma and Chandra teach the system outlined in the rejection to claim 1, but do not teach the use of a ring resonator. Sziklas teaches an unstable resonator ring resonator (fig.5). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Tanuma and Chandra with the resonator design of Sziklas in order to allow for easy adjustment of cavity length and mode control.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

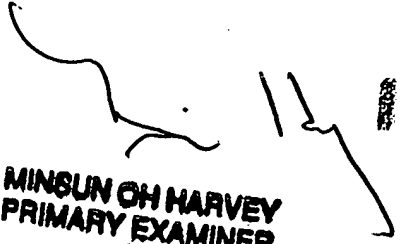
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVR

  
**MINSUN OH HARVEY**  
**PRIMARY EXAMINER**